

COMMITTEE REPORT

The Select Interim Committee on Preservation of Agricultural Land held eight meetings in various regions of the State and received testimony on the issues concerned in preserving agricultural land. Representatives taking part in these hearings were: Representatives Creason, Dunning and Osbourn, Co-Chairmen; Brandhorst, Schaperkoetter, Ford, Burch, Humphreys, Hearn, Steinmetz (57th), Pitts, Morrison, Egan, Blunt, Walker, Pohrer and Fowler (6th).

The Committee received testimony from various groups and individuals concerned with the preservation of agricultural land. Testimony was given in two major categories: encroachment upon farmland due to urbanization, and loss of top soil due primarily to erosion. The loss of agricultural producing lands through urban sprawl is a definite problem in rural areas surrounding Missouri's two major metropolitan cities. The need for development financially outweighs the need for agricultural production on these lands and so urbanization wins. It takes a strong-willed landowner with more than a monetary attachment for the land to resist the temptation of the developer.

The loss of top soil due to erosion is also of grave concern to Missouri's farmers, but due to the present economic conditions, it is almost a fiscal impossibility to practice good soil conservation management. Soil conservation costs money, both out of pocket and through less production. In the short run soil conservation techniques, such as strip cropping and single cropping will cost much more in diminished profitability than poor soil conditions, however, if the present top soil loss in Missouri continues at one inch per three years rather than a national average of one inch per ten years, then Missouri farmers with this short run attitude could be in for a rude awakening sometime in the near future.

There was also testimony given about the governments, State and Federal, lack of control in purchases of land. Individual cases were the land purchases for the Truman and Meramac resort areas by the Corp of Engineers and the Department of Conservation purchases of 100,000 plus acres throughout the State with the 1/8 cent sales tax.

There were several solutions to the problems of preserving agricultural land; the establishment of farmland development rights where a farmer would be entitled to sell areas of land for planned development, the establishment of a State planning and zoning commission to oversee orderly growth and the establishment of a soil bank to be used in renewing soil damage by erosion. All of these concepts are being explored by the committee and may appear in the form of legislation for the upcoming session.

TO: Representative Norwood Creason

RE: The need for an executive order for the development of a State Policy concerning the Preservation of Missouri Agricultural Lands.

DATE: December 3, 1981

Given the alarming statistics provided by the National Agricultural Land Study (see attached), and subsequent testimony confirming these statistics given by Mr. Bob Gray, Executive Director of the NALS, the need for an executive order requiring certain State agencies to establish policies concerning preservation of Missouri's Agricultural Lands is desired.

An executive order would establish an immediate position taken by this State to preserve agricultural land through State agency policy; and an executive order would produce the short term effect desired for preservation of Agricultural Land until the proper enabling legislation can be developed by the General Assembly.

Several other states, including Illinois and Kentucky, have adopted Agricultural Land preservation policies by executive order. Illinois has given the final decision on conversions of agricultural land to the governor, and Kentucky has established a commission known as the Agricultural Land Study and Policy Committee. Both are similar in content but different in structure. Both call for policies concerning preservation of Agricultural Land. Illinois gives each agency involved the right to develop separate policy programs, where Kentucky's agencies collectively collaborate to form a state policy. Both are valid approaches.

In the event Missouri would call for Agricultural Land Preservation Policies, the following agencies should be included:

- The Department of Agricultural
- The Department of Conservation
- The Department of C.A.R.L. (Division of Community and Economic Development)
- The Department of Highways and Transportation
- The Department of Natural Resources
- The Office of Administration

All of the agencies mentioned above in one way or another have a direct or indirect affect on Agricultural Land. These effects can be rules and regulations, urban development in unincorporated areas of a county, and development of recreational areas in agricultural producing areas. More times than not, the agricultural benefits of the area are not even considered when development for the "public interest" are involved.

Specific content for an executive order should be left up to the Governor's office, but the statistical data and context of this memorandum should be considered before taking action.

Prepared by C. Andy Arnold
House Research Staff

Percentages breakdown of land purchased by the Department of Conservation as of November 1981:

- * 1.1% prairie
- * 19.1% cropland
- * 15.2% pasture land
- 61.4% timber lands
- 3,2% marshes, lakes, ponds, etc.
- * some of these areas are share-cropped.

Statistics provided by the Department of Conservation.

MISSOURI FACT SHEET

by

National Agricultural Lands Study

The National Agricultural Lands Study has analyzed the available land resource data sets with respect to land use shifts. On Missouri's nonfederal lands the following changes occurred between 1967 and 1977:

- ++ 48 thousand acres per year of agricultural land were converted to urban, built-up, rural transportation and water.¹
- ++ 16 thousand acres of these 48 were prime farmland before conversion.²
- ++ Cropland decreased from 16.7 million to 14.6 million acres.
- ++ Pastureland and rangeland increased from 8.5 million to 12.9 million acres.
- ++ Forest land decreased from 13.7 million to 10.8 million acres.
- ++ Acreage of irrigated land went up from 118 thousand to 783 thousand acres.

The current acreage of prime farmland is about 15.1 million acres. Of this, 9.5 million acres is currently in cropland use.

The potential for new cropland is limited. There are 2.2 million acres with high potential and 4.4 million acres with medium potential for conversion. These are acres now in pastureland, forest land, and other uses. About one-half of the high potential acres is prime farmland.

- ¹It has been estimated that for each acres lost directly to urban, built-up and transportation uses at least one more acre is isolated by leap-frog development and lost to agricultural use (see Dideriksen and Sampson).
- Urban -- Land used for buildings, roads, railroads, etc., within cities and towns.
- Built-up -- Land used for buildings, parking lots, shopping centers, industrial parks, etc., outside of cities and towns.
- Transportation -- Land used for roads, railroads, airports outside of cities and towns.

- ²If conversion of prime farmland acres to nonagricultural use continues at the present rate, Missouri will lose an additional 368 thousand acres (2 percent of the total) by the year 2000, leaving 14.7 million.

SOURCES OF DATA:

- Dideriksen, Raymond I., et al. 1977. Potential Cropland Study, Statistical Bulletin No. 578. Soil Conservation Service, U.S. Department of Agriculture.
- Dideriksen, Raymond I., et al. 1978. National Resource Inventories. Unpublished. Soil Conservation Service, U.S. Dept. of Agriculture.
- Dideriksen, Raymond I., and R. Neil Sampson. 1976. Important Farmlands: A National Viewpoint. Journal of Soil and Water Conservation 31 (5): 180-208.
- U.S. Department of Agriculture, 1971. Basic Statistics--National Inventory of Soil and Water Conservation Needs, 1967. Statistical Bulletin No. 461.
- U.S. Department of Agriculture. Forest Service. 1979. An Assessment of the Forest and Range Land Situation in the United States, Review Draft.
- U.S. Department of Agriculture, 1979. Soil and Water Resources Conservation Act, Appraisal 1980, Review Draft, Part I.

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER ONE HUNDRED AND ONE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES
RE: STATE AGRICULTURAL LANDS PRESERVATION POLICY

WHEREAS, the State's farmlands are dwindling at an alarming rate, having decreased by approximately 200,000 acres in the past twenty-five years; and

WHEREAS, the continued loss of farmland, in Delaware and elsewhere, threatens our national economic and social interests; and

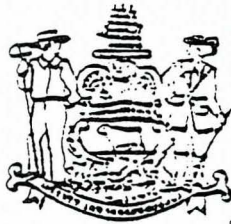
WHEREAS, the Governor's Advisory Committee on Farmland Preservation, established by Executive Order Number Eighty-four, has completed its work and recommended a course of action, portions of which can be implemented immediately.

NOW, THEREFORE, I, PIERRE S. du PONT, IV, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. Policy

To the extent permissible under law, the following shall be State policy:

- a. IT SHALL BE STATE POLICY THAT (A) AGRICULTURAL ACTIVITIES HAVE A PRIMARY RELATIONSHIP TO THE MAINTENANCE OF THE QUALITY OF LIFE AND MAINTAINING A DESIRABLE STANDARD OF LIVING IN DELAWARE; (B) FARMING IS THE HIGHEST PRIORITY USE OF THOSE AREAS BEST SUITED FOR AGRICULTURAL PRODUCTION; (C) PUBLIC ACTIONS WHICH ADVERSELY IMPACT AGRICULTURE SHOULD BE AVOIDED WITHOUT AN AMPLE FINDING OF PUBLIC NEED; AND (D) PRESERVATION OF THE STATE'S FARMLANDS AND WOODLANDS IS CLEARLY IN THE PUBLIC INTEREST;
- b. IT SHALL BE STATE POLICY TO CONSERVE, PROTECT AND ENHANCE THE STATE'S AGRICULTURAL ECONOMIC BASE FOR PRODUCTION OF FOOD, FIBER, AND FUEL, AND TO PRESERVE THESE RESOURCES FOR THEIR NATURAL AND ECOLOGICAL VALUES FOR OPEN SPACES, RECREATIONAL USES, WILDLIFE HABITATS, AND AESTHETIC PURPOSES; and
- c. IT SHALL BE STATE POLICY TO ENCOURAGE THE IMPROVEMENT OF AGRICULTURAL OPERATIONS IN ORDER TO MAINTAIN AGRICULTURE AS A VIABLE INDUSTRY AND AN IMPORTANT CONTRIBUTOR TO DELAWARE'S ECONOMY.



Pand

SPONSOR: Rep. Fallon & Sen. Adams and
Reps. Anderson, Burnes,
Brady, Buckworth, Cain,
Cathcart, Cordrey, Corrozi,
Dixon, Ennis, Free, George,
Jester, Jonkier, Mack,
Maroney, McKay, Minner,
Oberle, Plant, Riddagh,
Sincock, Smith, Spence, West
and Sens. Arnold, Cook,
Hughes, Knox, Littleton, Neal,
Vaughn

HOUSE OF REPRESENTATIVES

131ST GENERAL ASSEMBLY

HOUSE BILL NO. 307 MAY 26 1981

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE BY PROVIDING FOR AGRICULTURAL LANDS PRESERVATION AND TO AMEND CHAPTER 81 OF TITLE 29 OF THE DELAWARE CODE BY ADDING AN AGRICULTURAL LANDS PRESERVATION SECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Part I of Title 3 of the Delaware Code by adding thereto a new chapter,
2 designated as Chapter 9, which new chapter shall read as follows:

3 "Chapter 9, Agricultural Lands Preservation

4 §901. Short Title

5 This Act shall be known and may be cited as the Delaware Agricultural Lands Preservation Act
6 of 1981.

7 §902. Statement of Legislative Finding

8 (a) The General Assembly finds and declares that the State's farmlands are dwindling at an
9 alarming rate, having decreased by approximately 200,000 acres in the past twenty-five years; and
10 that the continued loss of farmland, in Delaware and elsewhere, threatens our national economic and
11 social interests; and that the Governor's Advisory Committee on Farmland Preservation, established
12 by Executive Order Number Eighty-four, dated March 12, 1981, has completed its work and
13 recommended a course of action.

14 (b) The General Assembly further finds that maintenance of a viable agricultural base requires
15 the protection and preservation of those areas best suited for agricultural production.

1 §905. Reports

2 The Secretary of Agriculture shall report at least annually to the Governor, the General
3 Assembly, and the Council on Agriculture on the extent, location, and causes of farmland loss. -

4 Section 2.

5 (a) Amend Section 8103 of Title 29 of the Delaware Code by inserting a new subsection 8103(3)
6 to read:

7 "(3) Establish an Agricultural Lands Preservation Section within the Office of the Secretary
8 and appoint such personnel as may be necessary for the administration of the duties set forth in
9 Chapter 9 of Title 3 of the Delaware Code as enacted by this Act. Employees of this Section shall
10 be entitled to the full provisions of Chapter 29 of the Delaware Code."

11 (b) Amend Section 8103 of Title 29 of the Delaware Code by redesignating subsections 8103(3)
12 through 8103(9) as subsections 8103(4) through 8103(10).

13 Section 3.

14 This Act shall become effective when signed by the Governor."

SYNOPSIS

~~This Act sets forth State policy relating to the preservation of agricultural lands and charges the Department of Agriculture, in cooperation with the Office of Management, Budget and Planning and other State agencies, with responsibility for carrying out such policy. It requires the Secretary of Agriculture to report annually, or more often as necessary, to the Governor, the General Assembly and the Council on Agriculture on the status of agriculture and the location, extent, and causes of farmland loss.~~

It also creates a section in the Department of Agriculture to be responsible for implementation of the State policies. It is the intent of the author that this section be staffed by individuals already in the classified service within the Department of Agriculture or other agencies.



SPRINGFIELD, ILLINOIS

EXECUTIVE ORDER

Number 4 (1980)

PRESERVATION OF ILLINOIS FARMLAND

The natural resources of Illinois -- land, minerals, water, and air -- are both finite and fragile. In the absence of wise use and consistent management practices, these resources are threatened by irreversible damage or loss. Protection of the State's natural resources is essential to guard the public health, safety, and welfare, and to assure an adequate natural resource supply and quality for use and enjoyment by future generations.

Since World War II, the amount of Illinois land dedicated to agriculture has steadily declined at an average rate of approximately 100,000 acres per year. This substantial loss of farmlands is the equivalent of eight average-sized Illinois counties. If this trend continues, the State will lose the equivalent of another five or six counties by the end of the century.

The conversion and loss of agricultural land has diminished Illinois' cropland base and affects environmental quality. The supply of land most suitable for farming is finite. Conversion of this land to urban development and other non-farm uses reduces future food production capability and may ultimately undermine agriculture as a major economic activity in Illinois. With less prime farmland available, there will tend to be greater reliance on marginally productive land, resulting in greater soil erosion, increased fertilizer requirements and increased environmental damage. Loss of agricultural land can also reduce the beneficial role which the land itself can play. Agricultural land reduces runoff by absorbing precipitation, aids in replenishing groundwater supplies and can buffer environmentally sensitive areas from encroaching development.

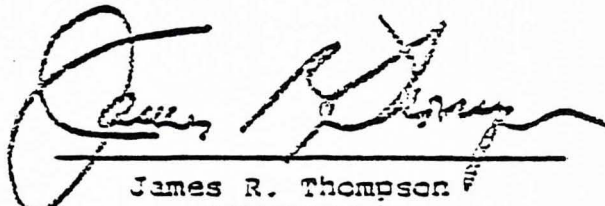
3. ~~These powers shall be conferred upon the Governor~~
~~to an inter-agency committee chaired by the Illinois Department~~
~~of Agriculture to solve mutual problems in meeting the objectives~~
of agricultural land preservation.

C. The Department of Agriculture will analyze State funded capital projects that impact farmland conversion and advise the Governor's Office as to the consistency of agency actions with the policy established by this Executive Order.

D. After the second anniversary of this Executive Order, all conversions of agricultural lands by any State agency shall meet the criteria specified in that agency's Agricultural Lands Preservation Policy.

III. EFFECTIVE DATE

This Executive Order shall become effective on July 22, 1980.



James R. Thompson
GOVERNOR

Dated: July 22, 1980



JOHN Y. BROWN, JR.
GOVERNOR

EXECUTIVE ORDER

81 - 162

February 16, 1981

Secretary of State
Frankfort
Kentucky

AGRICULTURAL LAND STUDY AND POLICY COMMITTEE

WHEREAS, conversion and loss of our agricultural land base is having a varied impact, both directly and indirectly, on the Commonwealth of Kentucky;

WHEREAS, it has been estimated that 252 acres of agricultural land is lost to non-agricultural uses each day in Kentucky;

WHEREAS, the shift of agricultural land to non-agricultural uses through pressures imposed by urban expansion, transportation systems, water impoundments, surface mining of mineral resources, utility rights-of-way and industrial development has continually reduced the land resource base necessary to sufficiently produce food and fiber for our future needs;

WHEREAS, state government agencies perform numerous functions which affect the management of Kentucky's abundant natural resources, which in turn affects the conversion of agricultural land to non-farm uses; and

WHEREAS, the Commonwealth can play an influential role in preserving our agricultural land base by initiating an overall policy to avoid contributing to the conversion of agricultural lands;

NOW, THEREFORE, I, JOHN Y. BROWN, JR., Governor of the Commonwealth of ~~Kentucky~~, by virtue of the authority vested in me by the Kentucky Revised Statutes 12.025 (1)(b), do hereby establish the ~~Agricultural Land Study and Policy Committee~~.

SECTION 1.

The Agricultural Land Study and Policy Committee is charged with the following tasks:

- A. Study the agricultural land base, its nature and the pressures affecting the conversion and loss of this resource in Kentucky.
3. Determine and evaluate the social, economic and environmental impacts of the shift of agricultural land and prime farmland to non-farm uses.

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NATURAL RESOURCES
AND ENVIRONMENTAL
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Room 500
New Sess.
Office Rm
Wash. 10006



JOHN Y. BROWN, JR.
GOVERNOR

EXECUTIVE ORDER

81 - 162

February 18, 1981

Secretary of State
Frankfort
Kentucky

Page three

Additionally, a farm owner/operator of 150 acres or less suggested and recommended by the Kentucky Farm Bureau, and

A farm owner/operator of more than 150 acres suggested and recommended by the Kentucky Farm Bureau

Ex-Officio Members State Conservationist of the Soil Conservation Service (SCS)

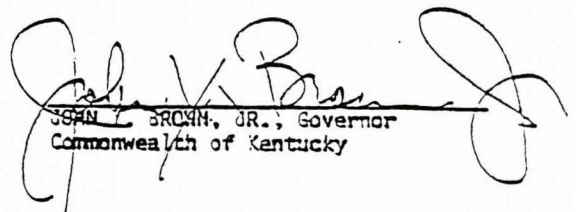
State Executive Director of the Agriculture Stabilization and Conservation Service (ASCS)

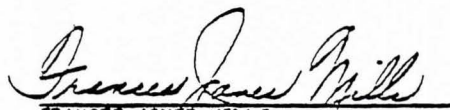
State Director of the Farmers Home Administration (FHA)

Regional Manager of the Federal Land Bank, Northeastern District of Kentucky

SECTION 3.

Administrative assistance shall be provided by the Bureau of Natural Resources within the Department for Natural Resources and Environmental Protection. The Department shall furnish the necessary space and staff assistance.


JOHN Y. BROWN, JR., Governor
Commonwealth of Kentucky


FRANCES JONES MILLS
Secretary of State

SECRETARY OF STATE
RULES AND REGULATION
DIVISION

MAR 20 2 05 PM '81

COMMONWEALTH OF MASSACHUSETTS

By His Excellency

EDWARD J. KING
Governor

EXECUTIVE ORDER #193

PRESERVATION OF STATE-OWNED AGRICULTURAL LAND

Preamble

Agricultural land in Massachusetts is a finite natural resource that is threatened by competing land use pressure.

The natural resource qualities associated with agricultural land make state-owned agricultural land an irreplaceable economic and environmental asset when utilized for food production. This land is part of the "common wealth" of Massachusetts citizens, and the wise use and conservation of state-owned agricultural land is of broad public value. As the loss of private agricultural land in the Commonwealth continues, the state-owned land will play an increasingly important role for the state's remaining farmers and young people who wish to enter farming. As the state-owned agricultural land decline in productivity and efficient utilization, so does the maximum return of benefit to the citizens of the Commonwealth.

Furthermore, the loss of agricultural land has had a detrimental affect upon environmental quality. Agricultural land reduces flooding by effectively absorbing precipitation, while replenishing critical ground water supplies. The open characteristic and natural vegetation of agricultural land helps purify the air; enhances wildlife habitat; provides for recreation; and maintains the landscape's aesthetic and historic quality. Therefore, it is essential to ensure that the Commonwealth's agricultural land remains available for present and future generations.

WHEREAS, the Commonwealth seeks to preserve the productive agricultural land base on which the Massachusetts agricultural industry and the people of the Commonwealth depend; and

WHEREAS, state acquisition programs administered by the Department of Environmental Affairs, pursuant to G.L.c. 132A, §§11A-11E and G.L.c. 184 §§31-33, promote the preservation of private agricultural land; and

WHEREAS, it is the policy of the Executive Department of the Commonwealth of Massachusetts to protect, through the administration of current programs and laws, the Commonwealth's agricultural land base from irreversible conversion to uses which result in its loss as an essential food production and environmental resource;

NOW, THEREFORE, I, Edward J. King, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth, do hereby order and direct all relevant state agencies to seek to mitigate against the conversion of state-owned agricultural land and adopt the policies herewith:

STATE OF VERMONT

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER

WHEREAS,

it is the policy of the State of Vermont, as set forth in 10 V.S.A., Chapter 151, to provide for the preservation of the agricultural productivity of the land and the economic viability of agricultural units in planning for land use and economic development, and further, uses which threaten or significantly inhibit these resources should be permitted only when the public interest is clearly benefited thereby; and

WHEREAS,

the policies set forth in 10 V.S.A., Chapter 151, further provide that the construction, expansion, or provision of public facilities and services should not significantly reduce the resource value of adjoining agricultural or forestry lands unless there is no feasible and prudent alternative, and the facility or service has been planned to minimize its effect on the adjoining lands; and

WHEREAS,

the actions of state agencies and state instrumentalities may have a detrimental impact on the preservation and maintenance of productive agricultural lands unless these actions are planned to minimize or eliminate conflicts with such lands;

NOW THEREFORE,

I, Richard A. Snelling, by virtue of the authority vested in me as Governor and in furtherance of the policies set forth in 10 V.S.A., Chapter 151, do hereby direct the state agencies and instrumentalities enumerated below to establish policies, guidelines, and procedures to assure that land acquisition, direct state development projects, state assisted public and private development, and development requiring state permits will not eliminate or significantly interfere with or jeopardize the continuation of agriculture on productive agricultural lands or reduce the agricultural potential on primary agricultural soils unless there is no feasible and prudent alternative and the facility or service has been planned to minimize its effect on such lands.

To these ends I direct the following steps to be taken:

- (ii) where agency actions involve permit review or financial assistance, an identification of the information that will be required of applicants relating to the preservation and maintenance of productive agricultural lands and primary agricultural soils;
- (iii) an identification of any changes in statutes or agency rules and regulations that will be needed to implement some or all of the intent of this order.

3. Effective October 1, 1980 there is created an ~~Agricultural Land Use Review Board~~. The Board shall be made up of the Commissioner of Agriculture, who shall serve as Chairman; the Director of the State Planning Office; the Secretary of Environmental Conservation; the Secretary of Transportation; and the Secretary of Development and Community Affairs. The State Planning Office shall provide staff and administrative support to the Board.

The Board shall, at the request of the Governor, review ~~proposed actions of state agencies that will have a significant impact on productive agricultural lands and primary agricultural soils~~. The Board shall determine if there is a feasible or prudent alternative to the proposed action and whether appropriate mitigating measures should be applied.

The Board shall have fifteen days to conduct their review and prepare a report of their findings and recommendations for submission to the Governor.

This review shall not supplant or supercede any applicable proceedings authorized by statute or regulation.

4. The affected state agencies and instrumentalities are;
- (a) The Agency of Administration, Division of State Buildings;
 - (b) The Agency of Development and Community Affairs including the Vermont Industrial Development Authority;



STATE OF

~~WASHINGTON~~

Dixy Lee Ray
Governor

OFFICE OF THE GOVERNOR

Legislative Building, Olympia, Washington 98504

EO 80-01

E X E C U T I V E O R D E R

FARMLAND PRESERVATION

WHEREAS, it is the policy of this administration to develop and promote agricultural activities; and

WHEREAS, in order to develop and promote agricultural activities, agricultural lands must be preserved; and

WHEREAS, agricultural land is being lost to other uses; and

WHEREAS, state and local governments operate under various laws, regulations, policies and programs that affect decisions on agricultural land and growth management; and

WHEREAS, local government is in the best position to make the primary decisions affecting the preservation of farmlands; and

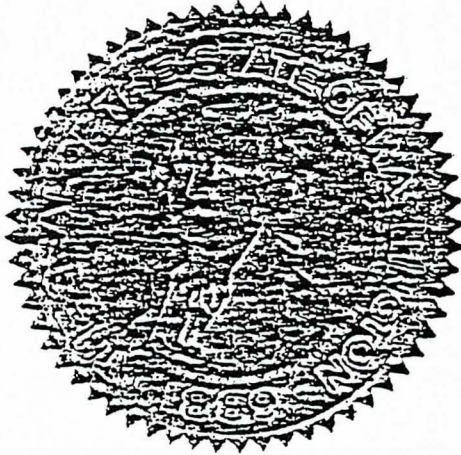
WHEREAS, the continuing loss of agricultural land requires closer attention by state agencies; and

WHEREAS, it is the opinion of this administration that much can be accomplished under the framework of existing laws and regulations to protect farmlands without the necessity of creating a new bureaucracy,

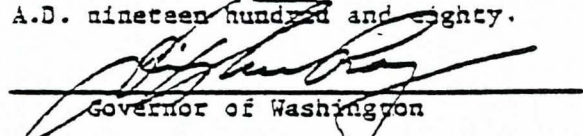
NOW, THEREFORE, I, Dixy Lee Ray, Governor of the state of Washington, do hereby direct as follows:

Every state department, commission, board or other agency of state government making decisions affecting the siting of energy facilities, disposal facilities, transportation systems or utility corridors, and agencies making decisions on environmental and/or land use permits,

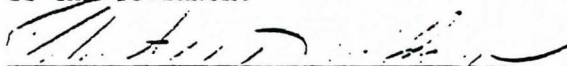
shall consider farmland preservation when making decisions and, in addition, give due regard to local government planning, zoning, or other local government agricultural land protection programs.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 4th day of January, A.D. nineteen hundred and eighty.


Governor of Washington

BY THE GOVERNOR:


Assistant Secretary of State